



**Town of Midland
Planning Services
575 Dominion Avenue
Midland, ON L4R 1R2**

**Office Hours:
Monday to Friday
8:30 a.m. to 4:30 p.m.**



How do I get started?

A standalone Minor Variance application does not typically require the Applicant to pre-consult with the Town. However, the Town encourages Applicants to speak to Town Staff to explain their proposal prior to submitting a Minor Variance Application.

How much will it cost?

The fees associated are noted in the Town's Composite Fees By-law and requires a sign deposit(s). Depending on the complexity of the proposal, the Town may recommend you hire a Registered Professional Planner.

How long will it take?

The average time to process a Minor Variance Application depends on a number of factors including the complexity of the application and the quality of the submission. It generally takes 2 to 3 months to process the application, plus the time it would take for the Applicant to complete any conditions imposed by the Committee.

What is a Minor Variance Application?

A Minor Variance is the process through which the Committee of Adjustment (COA) makes decisions on the proposed changes to a property that do not conform with the Zoning By-law. The proposed changes to the Zoning By-law typically deal with building setbacks, building height, lot coverage, parking, expansion of a legal non-conforming use (building/structure), etc. The process engages the public by offering an opportunity to voice any questions or concerns prior to a decision for the application. Zoning changes that are deemed not to be minor require a Zoning By-law Amendment. Examples of Minor Variance Applications may include, but are not limited to, the following:

- New buildings or additions to buildings;
- New accessory buildings such as garages, sheds, gazebos, pool houses, cabanas, etc.;
- Porch enclosures or new decks; and,
- Parking spaces required for new or expanded commercial or industrial uses.

Required Criteria for Minor Variance Applications

As per Section 45(1) of the *Planning Act*, the COA must consider the following criteria when reviewing the merits of an application:

- The variance must be minor;
- The variance must be desirable for the appropriate use of the land, building or structure; and,
- The general intent and purpose of the Town's Official Plan and Zoning By-law must be maintained.

Need More Information?

Contact the Planning Services Department for more information:

Phone: 705-526-4275

Email: planning@midland.ca

Online Resources: [Committee of Adjustment webpage](#)
[Zoning By-law Amendment webpage](#)

Minor Variance Application Process Steps

1. Pre-Consultation

A standalone Minor Variance application does not typically require the Applicant to pre-consult with the Town. However, the Town encourages Applicants to speak to Town Staff to explain their proposal prior to submitting a Minor Variance Application.

2. Application Submission

The fees associated are noted in the Town's [Composite Fees By-law](#) and includes a sign deposit(s). After receipt of the application, Staff will review the submission for completeness. Applications that are deficient of required materials or fee(s) have no status and may be returned to the Applicant with additional information or fees to be requested. The application will not proceed to Steps 3 and 4 until all outstanding materials or fees are received.

3. Circulation of Application

After the application is received, a Notice of Public Hearing is circulated to internal departments and external agencies for review and comment. It is also circulated to landowners within 60 metres of the subject property.

4. Posting of Public Notice Sign

A Notice Sign is required for each property frontage which must be visible from the road. Failure to post the sign in the prescribed manner will result in the application being deferred for proper notice to be given under the *Planning Act*. The Applicant is required to pick up the Public Notice Sign(s) from the Town and instructions for posting will be provided at that time. The sign must remain posted on the subject lands until after the hearing date.

The Applicant is also required to identify (e.g. stake out, spray paint, etc.) the location of the proposed building or structure and its relation to the requested variance (e.g. side yard/front yard property line).

5. Review of Application and Planning Considerations

After the circulation, Staff receives comments from internal departments and external agencies. Town Staff review the merits of the application with consideration of the following, but not limited to:

- Conformity with all other local planning documents (i.e. County of Simcoe Official Plan) and Provincial Plans and legislation
- Compatibility and suitability with the surrounding neighbourhood
- Proposed density and impact on the existing built form
- Grading and drainage
- Parking
- Building floor area
- Lot size and dimensions
- Building height and setbacks
- Urban design
- Landscaping
- Screening and fencing
- Natural Heritage
- Public input

6. Planning Recommendation Report

After comments are received from Town Staff and external agencies, a recommendation report is prepared by Planning Staff, which recommends approval, denial, or deferral of the application to

the Committee. The recommendation report is included in the agenda package and circulated to the Committee of Adjustment (COA) members, Applicants, Agents, and interested parties. Where Staff recommend support of the application, Staff will also provide recommended conditions of the approval.

Recommended conditions outlined in the Staff Report may include:

- Deadline to submit a building permit application
- That all taxes be paid up to date
- That an Ontario Land Surveyor provide verification to the Town of compliance with the Committee's decision
- Other approvals that may be necessary

7. Committee of Adjustment Hearing and Decision

The COA hearing is generally held within 30 days of a complete application being received and in accordance with the meeting schedule. The COA makes a decision on whether the application is approved, denied or deferred pending more information. Town Staff circulate the decision of the Committee to the Applicant, Agent, selected departments/agencies, and members of the public who requested a copy of the decision. The decision may be subject to conditions that would have to be satisfied prior to the issuance of a building permit. There is also a 20-day appeal period for which an appeal can be filed to the Ontario Land Tribunal (OLT). If no appeals are received, confirmation will be provided to the Applicant.

8. Ontario Land Tribunal (OLT) Appeals

Appeals must be filed with the Town by the date indicated on the Notice. The OLT may refuse an appeal by an individual or public body who did not initially object to the proposal. Prior to filing an appeal to the OLT, please contact [OLT](#) directly for appeal rights and additional information.

9. Building Permit

If a building permit is required, the Applicant can apply once the appeal period has expired and conditions have been satisfied, provided no appeals were received.